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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JULIA MORONES, Defendant.	Mag. Case No. ~~08mj1756-LSP~~ 08CR2019-L **FINDINGS OF FACT AND ORDER OF DETENTION**

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), a detention hearing was scheduled for June 19, 2008, to determine whether defendant JULIA MORONES ("Defendant") should be held in custody pending trial and, if convicted, sentencing on the above-captioned matter. Assistant United States Attorney Michael J. Crowley appeared on behalf of the United States; Attorney Stephen Demik, Esq. appeared on behalf of the Defendant.

At the hearing on June 19, 2008, the Court found that Defendant posed a danger to the community sufficient to warrant his detention. The Court orders that Defendant be detained pending trial, and if convicted, sentencing in these matters, without prejudice or waiver of the Defendant's right to later apply for bail and conditions of release, and without prejudice or a waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

I

FINDINGS OF FACT

A. Nature and Circumstances of the Offense Charged (18 U.S.C. § 3142(g)(1))

1. The Defendant is charged in an complaint with conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846 and 841(a)(1).

2. The complaint alleges that the conspiracy involved 50 grams or more of methamphetamine, thus triggering a ten-year mandatory minimum pursuant to 21 U.S.C. 21 U.S.C. § 841(b)(1)(A)(viii).

B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2))

1. While the weight of the evidence is the least important factor of all of the factors that the Court considers in deciding whether a defendant should be detained without bail, there is strong evidence that the Defendant conspired with others to distribute methamphetamine.

2. As alleged in the complaint and proffered by the Government, Defendant was involved in a six-ounce methamphetamine deal. Defendant was recorded, both in audio and video, in an apartment used by a confidential informant as she provided the informant and others with the methamphetamine.

C. History and Characteristics of the Defendant (18 U.S.C. § 3142(g)(3))

1. Defendant is a United States citizen, and has family in the United States, including children. Evidence has been proffered that Defendant is an associate of the Mexican Mafia prison gang and has committed illegal activities on behalf of the Mexican Mafia.

2. No evidence of drug use by Defendant has been proffered.

3. Evidence was proffered regarding Defendant's employment in construction. No evidence was proffered that Defendant owns property within the United States.

D. Seriousness of the Offense and Danger to the Community (18 U.S.C. § 3142(g)(4))

1. Defendant is charged with conspiring with others to distribute a large amount of methamphetamine, a dangerous and highly addictive controlled substance. In addition, the Government has proffered evidence that Defendant is an associate of the Mexican Mafia who has

engaged in extortion activities on behalf of the Mexican Mafia; these extortion activities by their nature reflect a significant danger to the community. In addition, evidence has been proffered that Defendant has communicated with co-defendant Jose Alberto "Bat" Marquez (who has been identified as a Mexican Mafia member and former enforcer for the Arellano-Felix drug trafficking organization) regarding: (1) violent acts on behalf of the Mexican Mafia, (2) potential murders on behalf of the Mexican Mafia, and (3) the identification and intimidation of potential witnesses against Marquez. There does not appear to be any effective means of preventing communications between Marquez and Defendant regarding such topics if Defendant is released from custody.

II

REASONS FOR DETENTION

The Government has established by clear and convincing evidence that Defendant poses a danger to the community due to (1) the dangerous nature of the crime with which she is charged, and (2) her involvement in violent activities on behalf of the Mexican Mafia.

III

ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if convicted, sentencing in this matter.

IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to the Defendant's exercise of his right to bail and a detention hearing at a future date.

THIS ORDER IS ENTERED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: June 30, 2008

HONORABLE LEO S. PAPAS
United States Magistrate Judge

Prepared by:

MICHAEL J. CROWLEY
Assistant U.S. Attorney